

AGENDA MEMO

CITY COUNCIL MEETING DATE: SEPTEMBER 20, 2006

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: ABEYANCE - RQR-13989 - APPLICANT: LAMAR
ADVERTISING - OWNER: CITY PARKWAY IV A, INC.**

***THIS ITEM WAS HELD IN ABEYANCE FROM THE SEPTEMBER 6, 2006 CITY
COUNCIL MEETING AT THE REQUEST OF THE APPLICANT.***

**** CONDITIONS ****

The Planning Commission (5-0 vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. The applicant shall obtain building permits and call for final inspection by the Building and Planning Department within thirty (30) days of approval by the City Council.
2. The Special Use Permit shall be reviewed in two (2) years at which time the City Council may require the off-premise sign to be removed. The applicant shall be responsible for notification costs of the review. Failure to pay the City for these costs may result in a requirement that the Off-Premise Advertising (Billboard) Sign is removed.
3. The Off-Premise Advertising (Billboard) Sign and its supporting structure shall be properly maintained and kept free of graffiti at all times. Failure to perform the required maintenance may result in fines and/or removal of the Off-Premise Advertising (Billboard) Sign.
4. The property owner shall keep the property properly maintained and graffiti-free at all times. Failure to perform required maintenance may result in fines and/or removal of the off-premise sign.
5. Only one advertising sign is permitted per sign face.
6. If the existing Off-Premise Advertising (Billboard) Sign structure is removed, this Special Use Permit shall be expunged and a new Off-Premise Advertising (Billboard) Sign structure shall not be erected in the same location unless: (1) a new Special Use Permit is approved for the new structure by the City Council, and (2) the location is in compliance with all applicable standards of Title 19 of the Las Vegas Municipal Code including, but not limited to, distance separation requirements, or (3) a Variance to the applicable standards of Title 19 has been approved for the new structure by the City Council.
7. All City Code requirements and design standards of all City Departments shall be satisfied.

**** STAFF REPORT ****

APPLICATION REQUEST

This is a Required Two Year Review of an approved Special Use Permit (U-0238-91), which allowed a 50 foot high, 14-foot x 48-foot Off-Premise Advertising (Billboard) Sign adjacent to the south side of Oran K. Gragson Highway (U.S. 95) between "F" Street and Main Street.

EXECUTIVE SUMMARY

This is the seventh review of the subject Off-Premise Advertising (Billboard) Sign. A site inspection revealed that the sign is in good condition. The sign has never received a final inspection. A condition of approval has been included, which requires a building permit within thirty (30) days of approval. Therefore, staff can support the subject Required Review and recommends approval of the subject application.

BACKGROUND INFORMATION

A) Related Actions

- | | |
|----------|--|
| 05/20/92 | The City Council approved the Special Use Permit (U-0238-91), which allowed the 14-foot x 48-foot Off-Premise Advertising (Billboard) Sign on this site subject to a 5-year review. The Board of Zoning Adjustment recommended approval on 10/24/91. |
| 05/27/97 | The City Council approved the Required Five-Year Review for the Special Use Permit [U-238-91(1)], which allowed the 14-foot x 48-foot Off-Premise Advertising (Billboard) Sign on this site subject to a 2-year review. The Board of Zoning Adjustment recommended approval on 05/06/97. |
| 06/28/99 | The City Council approved a Required Two Year Review [U-0238-91(2)]for an approved Special Use Permit on property located on the south side of Oran K. Gragson Highway (U.S. 95) between 'F' Street and Main Street, which allowed a 14-foot, by 48-foot Off-Premise Advertising (Billboard) Sign. The Planning Commission recommended approval on 05/27/99. |
| 02/21/01 | The City Council approved a Required Two Year Review [U-0238-91(3)] for an approved Special Use Permit on this property, which allowed a 14-foot by 48-foot Off-Premise Advertising (Billboard) Sign subject to a one-year review. The Planning Commission and staff recommended approval on 11/16/01. |

- 04/03/02 The City Council approved a Required One-Year Review [U-0238-91(4)] for an approved Special Use Permit on this property, which allowed a 14-foot by 48-foot Off-Premise Advertising (Billboard) Sign on this site subject to a one-year review. The Planning and staff Commission recommended approval on 02/28/02.
- 05/21/03 The City Council approved a Required One Year Review (RQR-1993) of an approved Special Use Permit [U-0238-94(4)] which allowed a 14-foot x 48-foot Off-Premise Advertising (Billboard) Sign adjacent to the south side of Oran K. Gragson Highway (U.S. 95) between "F" Street and Main Street. The Planning Commission and staff recommended approval on 04/24/03.
- 07/06/05 The City Council approved a Required Two-Year Review (RQR-6252) of an approved Special Use Permit (U-0238-91) which allowed one 14-foot x 48-foot Off-Premise Advertising (Billboard) Sign adjacent to the south side of Oran K. Gragson Highway (U.S. 95) between "F" Street and Main Street. The Planning Commission and staff recommended approval on 05/26/05.
- 07/27/06 The Planning Commission voted 5-0 to recommend APPROVAL (PC Agenda Item #14/bts).

B) Pre-Application Meeting

A pre-application meeting is not required for this application.

C) Neighborhood Meetings

A neighborhood meeting is not required for this application, nor was one held.

D) Building Permit History

A building permit for the subject billboard was issued on 11/02/05, but a final inspection was never completed. A condition of approval has been added, which requires a final inspection within thirty (30) days of approval.

E) Site Inspection Information

A Site Inspection was completed on 06/26/06. The inspection revealed that the sign is in good condition. Also, there were no embellishments on the subject sign. A condition has been included that requires the sign to be maintained and kept free of graffiti and clean at all times.

DETAILS OF APPLICATION REQUEST

A) Site Area

Net Acres: 5.25

B) Existing Land Use

Subject Property: Undeveloped
North: US-95 Freeway
South: Office Building
East: Union Pacific Railroad
Hotel/Casino
West: Undeveloped
U. S. 95 Freeway

C) Planned Land Use

Subject Property: MXU (Downtown Mixed-Use)
North: US-95 Freeway
South: MXU (Downtown Mixed-Use)
East: C (Downtown Commercial)
West: US-95 Freeway

D) Existing Zoning

Subject Property: M (Industrial)
North: US-95 Freeway
South: PD (Planned Development)
East: C-2 (General Commercial)
West: US-95 Freeway

E) General Plan Compliance

The site is designated as MXU (Mixed Use) on the Redevelopment Plan Map of the Southeast Sector of the General Plan. This land use allows a mix of uses including residential, offices, and commercial. The MXU (Mixed Use) land use designation is consistent with the M (Industrial) zoning designation.

<i>SPECIAL DISTRICTS/ZONES</i>	Yes	No
Special Area Plan	X	
Redevelopment Plan Area		
Special Overlay District	X	
Parkway Center		
Trails	X	
Study Area		X
Rural Preservation Neighborhood		X
Inter-local Agreement Joint Land Use Planning Area		X
Development Impact Notification Assessment		X
Project of Regional Significance		X

Redevelopment Plan Area and Parkway Center

This site is located within the Redevelopment Area and the Parkway Center Development Area. The Parkway Center Development Standards indicate that interim billboards are permitted but new billboards are prohibited. The property is designated MXU (Mixed Use) within the Redevelopment Plan. The existing M (Industrial) zoning is compatible with this land use.

This site has two trails that run through the site. One is along the west side of the Union Pacific Railroad tracks, and the other is along the south side of Bonanza Road. However, neither trail will affect the location of the existing Off-Premise Advertising (Billboard) Sign.

ANALYSIS

A) Zoning Code Compliance

Pursuant to Title 19.04, the following Standards apply to the subject proposal:

Standards	Code Requirement	Provided
Off-Premise Advertisement (Billboard)	At least 750 feet from another Off Premise Sign along the same freeway frontage and 300 feet from any other Off Premise Sign	No 350 feet from another billboard
Off-Premise Advertisement (Billboard)	At least 300 feet to the nearest property line of a lot in any "R" zoned district.	YES 1150 feet from "R" zoned properties

The submitted site plan shows the billboard being at least 300 feet from any "U" or "R" zoning district. However, the sign is located approximately 350 feet from another off-premise sign along the south side of the U. S. 95 Freeway and 280 feet from an existing sign on the north side of the freeway. The 750-foot and 300-foot distance requirements were not in place when the sign was originally approved.

B) General Analysis and Discussion

- **Zoning**

The existing Off-Premise Advertising (Billboard) Sign is allowed in the M (Industrial) zoning district with the approval of a Special Use Permit.

- Use

Title 19.14.100 allows the removal of an Off-Premise Advertising (Billboard) Sign if conditions in the surrounding area have changed such that the off-premise sign no longer meets the standards of the Code. The continued use of the Off-Premise Advertising (Billboard) Sign on the subject site is appropriate; however, there has been new development in the vicinity with the new Internal Revenue Service building, Molasky building and World Market Center. Since there is new development in the area, it is recommended that this use be subject to a review again in two years.

- Conditions of approval from Required Review (RQR-6252)

1. Any part of an embellishment not in conformance with Title 19 requirements shall be removed immediately.
2. The Special Use Permit shall be reviewed in one (1) year at which time the City Council may require the off-premise sign to be removed. The applicant shall be responsible for notification costs of the review. Failure to pay the City for these costs may result in a requirement that the Off-Premise Advertising (Billboard) Sign is removed.
3. The Off-Premise Advertising (Billboard) Sign and its supporting structure shall be properly maintained and kept free of graffiti at all times. Failure to perform the required maintenance may result in fines and/or removal of the Off-Premise Advertising (Billboard) Sign.
4. If the existing Off-Premise Advertising Sign Structure is removed, this Special Use Permit shall be expunged and a new Off-Premise Advertising (Billboard) Sign structure shall not be erected in the same location unless: (1) a new Special Use Permit is approved for the new structure by the City Council, or (2) the location is in compliance with all applicable standards of Title 19 of the Las Vegas Municipal Code including, but not limited to, distance separation requirements, or (3) a Variance to the applicable standards of Title 19 has been approved for the new structure by the City Council.
5. All City Code requirements and design standards of all City Departments shall be satisfied.

FINDINGS

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

1. **“The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

Title 19.14.100 allows the removal of an Off-Premise Advertising (Billboard) Sign if conditions in the surrounding area have changed such that the off-premise sign no longer meets the standards of the Code. The continued use of the Off-Premise Advertising (Billboard) Sign on the subject site is appropriate; however, there has been new development in the vicinity with the new Internal Revenue Service building, Molasky building and World Market Center. Since there is new development in the area, it is recommended that this use be subject to a review again in two years.

2. **“The subject site is physically suitable for the type and intensity of land use proposed.”**

The site is physically suitable for the proposed Off-Premise Advertising (Billboard) Sign use.

3. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”**

The Off-Premise Advertising (Billboard) Sign use does not generate any additional traffic to this site and will not require provisions for additional access.

4. **“Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

The Off-Premise Advertising (Billboard) Sign use does not compromise the public health, safety, and welfare, as it is subject to the provisions of the Sign Code and the Uniform Building Code

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

17

ASSEMBLY DISTRICT 6

SENATE DISTRICT 4

<u>NOTICES MAILED</u>	51 by City Clerk
------------------------------	------------------

<u>APPROVALS</u>	0
-------------------------	---

<u>PROTESTS</u>	0
------------------------	---